

05/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-14592

NAME AND ADDRESS: BRETT NEWBOLD
3488 WARD RD
CAMBRIDGE ID 83610

SOURCE: RUSH CREEK

TRIBUTARY: WEISER RIVER

QUANTITY: 0.620 CFS
12.400 AFY

This right when combined with other rights from the same point(s) of diversion is limited to a total combined diversion rate of 3.57 cfs.

PRIORITY DATE: 10/01/1987

POINT OF DIVERSION:

T15N R03W S3 SWNE Within WASHINGTON County

T15N R03W S10 NWSE Injection Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION FROM STORAGE	04/15 10/15	12.40 AFY
DIVERSION TO STORAGE	01/01 12/31	0.620 CFS
IRRIGATION STORAGE	01/01 12/31	12.40 AFY

The use of water for irrigation from storage under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION STORAGE Within WASHINGTON County

T15N R03W S10 NESW

IRRIGATION FROM STORAGE Within WASHINGTON County

T15N R03W S03	NWSE	40.00	T15N R03W S03	SWSE	40.00
T15N R03W S03	SESE	40.00	T15N R03W S10	NENE	40.00

160 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 67-14586, 67-14588, and 67-14592.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

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The issuance of this right does not grant any right-of-way or easement across the land of another.

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. Approved on 6-21-1994.

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.



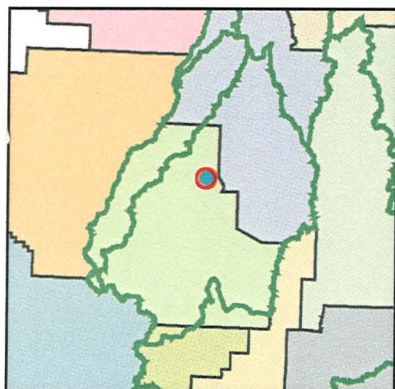
Idaho Department of Water Resources

SRBA Recommendation:

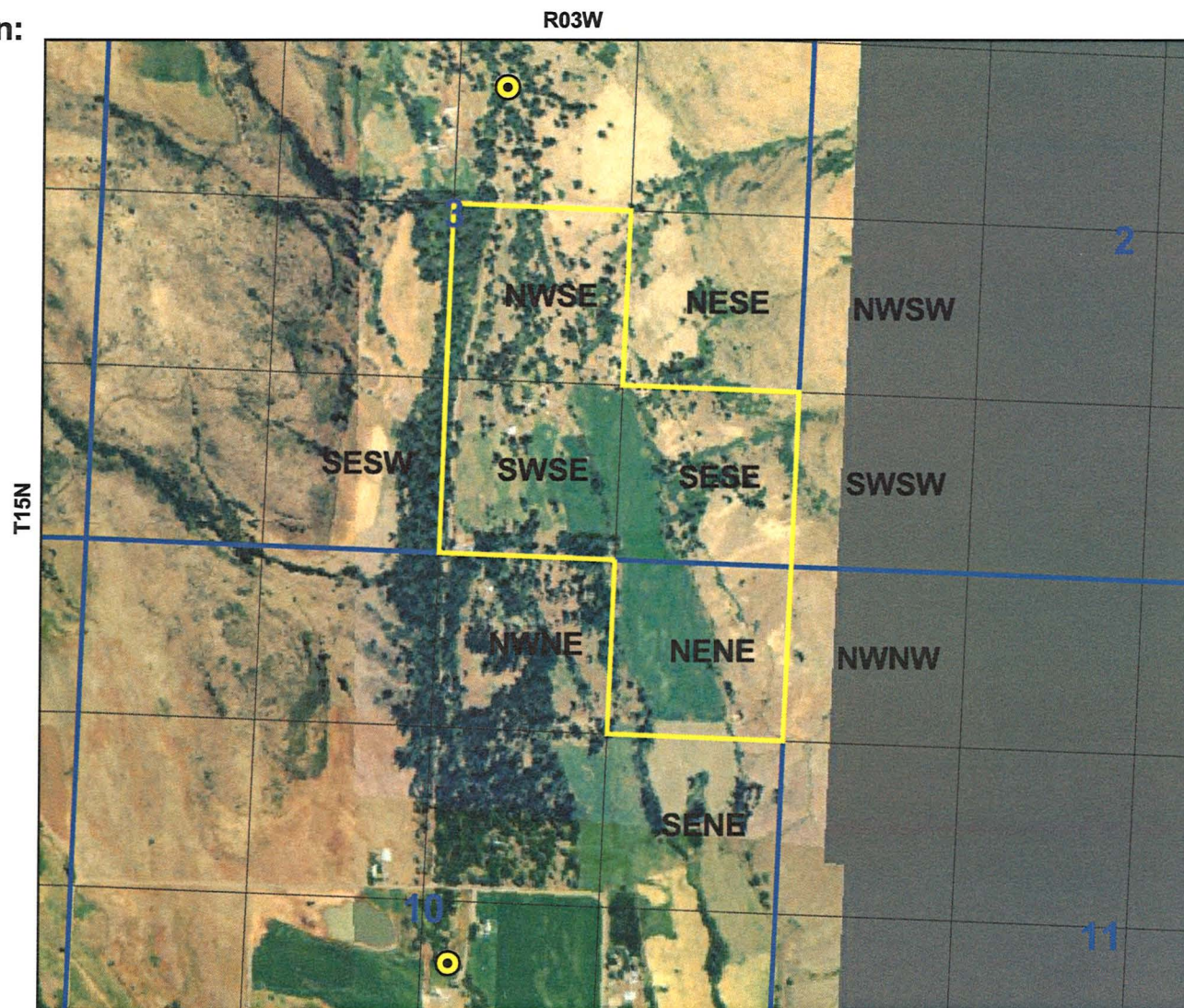
67-14592

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



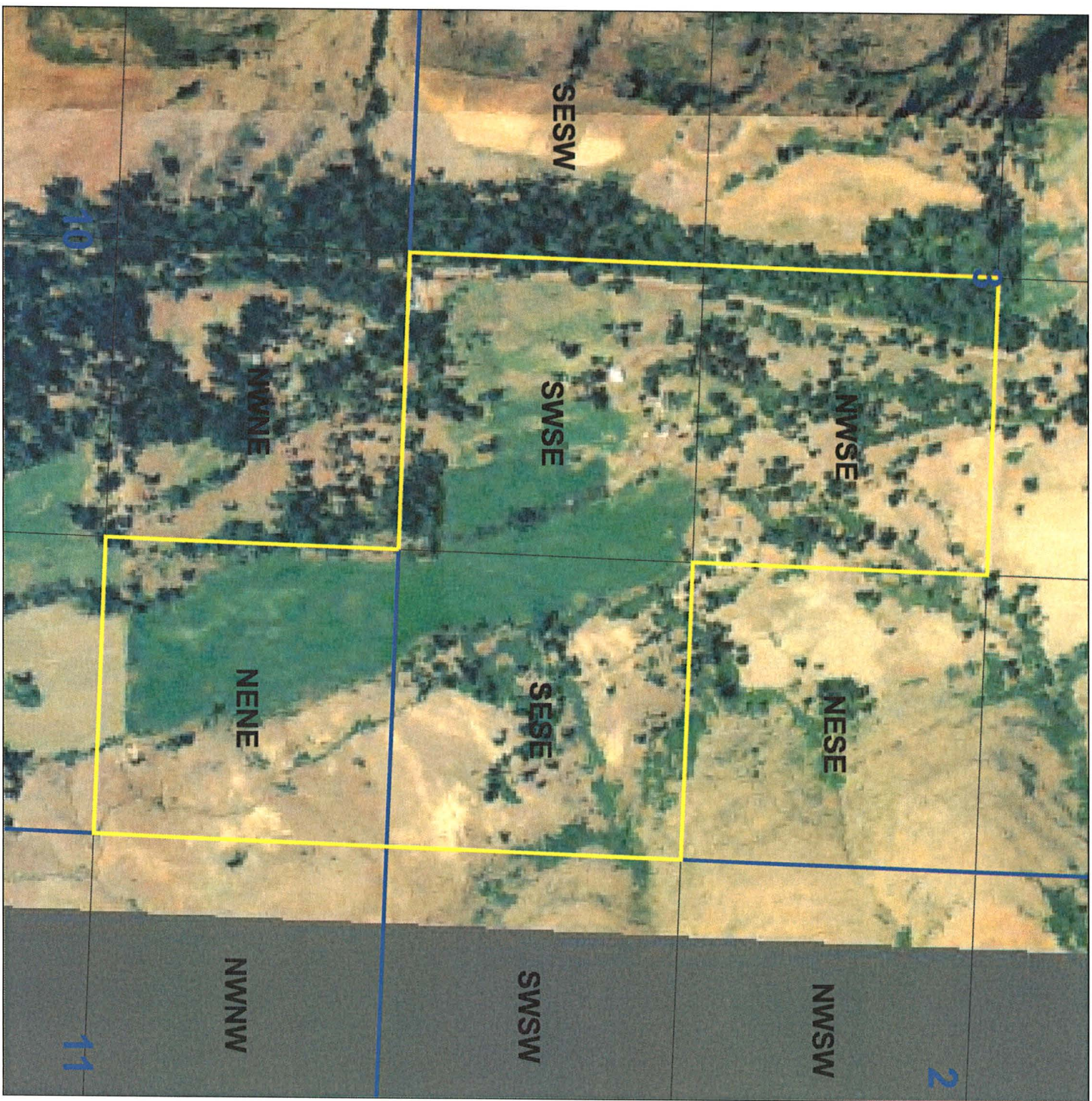
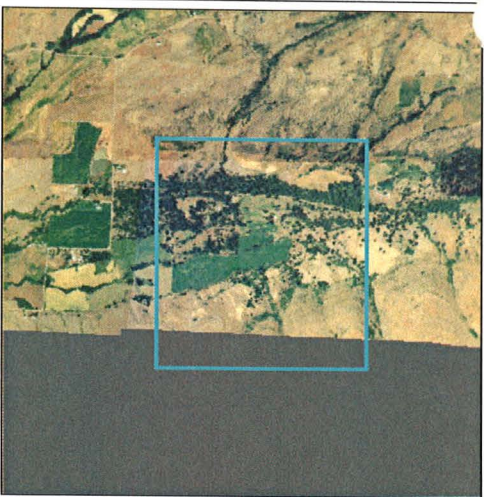
Washington County
IDWR Basin 67



0 0.6 1.2 Miles

Prepared by C. Saxton
On Monday, May 8, 2006
1987/88 Aerial Photography

67-14592



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14592 V1

WATER RIGHT NUMBER: 67-14592 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOANA R WIGGINS PO BOX 86 CAMBRIDGE, ID 83610-0086 (208)257-3428
Current Owner	BRETT NEWBOLD 3488 WARD RD CAMBRIDGE, ID 83610 (208)257-3866
Original Owner	KERMIT L WIGGINS PO BOX 86 CAMBRIDGE, ID 83610-0086 (208)257-3428

Priority Date: 10/01/1987

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
RUSH CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION FROM STORAGE	04/15 to 10/15		12.40 AF
DIVERSION TO STORAGE	01/01 to 12/31	0.620 CFS	
IRRIGATION STORAGE	01/01 to 12/31		12.40 AF
	<u>Total Diversion:</u>	0.620 CFS	12.40 AF

Location of Point(s) of Diversion

RUSH CREEK	NW1/4SE1/4	Sec. 10, Twp 15N, Rge 03W, B.M.
WASHINGTON County	(Injection)	
RUSH CREEK	SW1/4NE1/4	Sec. 3, Twp 15N, Rge 03W, B.M.
WASHINGTON County		

Place of Use

IRRIGATION FROM STORAGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	03W	3														40.0	40.0	40.0	120.0
15N	03W	10	40.0																40.0

Total Acres: 160

IRRIGATION STORAGE

IDAHO DEPARTMENT OF WATER RESOURCES

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Twp	Rge	Sec	NE				NW				SW				SE				Totals
15N	03W	10	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
										X									

Total Acres: 260

Conditions of Approval:

1. 004 The issuance of this right does not grant any right-of-way or easement across the land of another.
2. 18A The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.
3. 005 Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. E56 The rights listed below are limited to the irrigation of a combined total of 160 acres in a single irrigation season. Combined Right Nos.: 67-14586, 67-14588, and 67-14592.
6. T02 The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
7. S40 The use of water for irrigation from storage under this right may begin as early as March 15 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.
8. T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
9. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
10. 178 This right when combined with other rights from the same point(s) of diversion is limited to a total combined diversion rate of 3.57 cfs.
11. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval. Approved on 6-21-1994.
12. 18B The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14592 V1

Comments:

1. csaxton 5/8/2006 POU & TR 4148

Comment: My guidance is to recommend the acres as defined on TR 4148. However, not all the acres recommended under the transfer are actually irrigated.

2. csaxton 5/8/2006 POD

Comment: Both PODs shown on TR 4148 recommended as this is a PPU and both the point of diversion and point of exchange is applicable to this right.

3. csaxton 5/8/2006 POU

Comment: The diversion rate and volume is proportioned out based on the percentage of the original acreage described in TR 4148 owned by the claimant. Wiggins has 38.5 % of the original POU and Newbold has 61.5 % of the original POU.

4. csaxton 5/8/2006 SOU

Comment: Season of use recommended as defined by License 67-7723.

5. csaxton 5/8/2006 Copied From Claim (1)

Comment: THIS IS FOR THE UPPER RESERVOIR.

CLAIM AMENDED PER TRANSFER NO 4148 APPROVED 6/21/94.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER 4148 IN FILE.

THE STORAGE OF WATER UNDER RIGHT NOS 67-07704 & 67-07723 IS CONTINGENT UPON CONTINUED CERTIFICATION BY THE DEPARTMENT OF WATER RESOURCES UNDER THE DAM SAFETY PROVISIONS OF THE IDAHO CODE AUTHORIZING STORAGE.

ALL WATER RIGHTS IDENTIFIED IN THIS TRANSFER WILL BE REGULATED BY THE WATERMASTER, OR DEPUTY OF THE WATERMASTER, OF STATE WATER DISTRICT 67, WEISER RIVER AND TRIBUTARIES.

THE HOLDER OF THE WATER RIGHTS IDENTIFIED IN THIS TRANSFER SHALL PROVIDE LOCKABLE CONTROLLING WORKS AND A TOTALIZING MEASURING DEVICE AT THE POINT OF DIVERSION FROM RUSH CREEK AND AT THE POINT OF EXCHANGE FROM THE RESERVOIRS. THESE MEASURING DEVICES SHALL BE OF SUCH SIZE AND DESIGN TO ACCURATELY MEASURE FLOWS THROUGH THE SYSTEM. IN ADDITION, THE HOLDER OF THE WATER RIGHTS SHALL INSTALL A LOCKABLE VALVE BY WHICH THE WATERMASTER OR HIS DEPUTY CAN PREVENT DIVERSION TO STORAGE UNDER RIGHTS 67-07704 AND 67-07723 DURING PERIODS OF FLOW CONTROL.

THE HOLDER OF THE WATER RIGHTS IDENTIFIED IN THIS TRANSFER SHALL PROVIDE A STAFF GAGE IN BOTH RESERVOIRS THAT SHALL BE MARKED IN FEET AND TENTHS OF FEET AND SHALL BE LOCATED WITH EACH RESERVOIR SO AS TO ACCURATELY SHOW THE LEVEL OF THE WATER AT ALL DEPTHS OF DRAWDOWN.

THE WATERMASTER OR HIS DEPUTY SHALL READ THE TWO TOTALIZING MEASURING DEVICES AND THE RESERVOIR STAFF GAGES AT THE BEGINNING AND END OF THE PERIODS OF FLOW CONTROL AND NOT LESS THAN EVERY TWO WEEKS DURING THE PERIODS OF FLOW CONTROL. A RECORD OF THESE READINGS SHALL BE KEPT BY THE WATERMASTER OR HIS DEPUTY AND AT THE END OF EACH WATER YEAR SHALL BE SENT TO THE DEPARTMENT OF WATER RESOURCES FOR PERMANENT KEEPING.

THE POINT OF EXCHANGE LOCATED IN NWSE, S10, 15N, 3W, IS THE POINT WHERE STORAGE WATER IS RELEASED FROM THE RESERVOIR BACK INTO RUSH CREEK.

6. csaxton 5/8/2006 Copied From Claim (2)

Comment: This right is a split from former right 67-7723.

7. csaxton 5/8/2006 POD and Diversion Rate

Comment: Rights 67-285, 67-286, 67-287, 67-4490, 67-4542, 67-14585, 67-14586, 67-14587, 67-14588, 67-14591, and 67-14592 are all diverted from the same POD. POD has the max capacity to diver 3.57 cfs per licensing FE for 67-7704 (67-14587, 67-14588) and 67-7723 (67-14591, 67-14592). Analysis by Steve Lester in 1991 confirmed that the above rights are diverted through the same POD. Add condition 178 limiting all rights in combination to divert a maximum of 3.57 cfs.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14592 V1

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	5/8/2006 10:40:39 AM	csaxton			Active
Priority Date	5/8/2006 10:41:19 AM	csaxton			Active
POD	5/8/2006 10:41:28 AM	csaxton			Active
Source	5/8/2006 10:43:36 AM	csaxton			Active
POU	5/8/2006 10:43:47 AM	csaxton			Active
Use	5/8/2006 10:44:22 AM	csaxton			Active
Season	5/8/2006 10:45:18 AM	csaxton			Active
Quantity	5/8/2006 10:46:48 AM	csaxton			Active
Summary			05/08/2006	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	5/8/2006 10:40:49 AM	csaxton	(No) 1. Do you want to schedule an appointment?
			Comment for 1: Desktop Review.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14592 V1

Summary	5/8/2006 11:15:48 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	5/8/2006 10:42:42 AM	csaxton	Updated shape
POD	5/8/2006 10:43:14 AM	csaxton	Updated shape
POD	5/8/2006 10:42:51 AM	csaxton	Updated PLS
POD	5/8/2006 10:43:31 AM	csaxton	Updated PLS
POU	5/8/2006 10:44:15 AM	csaxton	Updated shape for Active POU
POU	5/8/2006 10:50:46 AM	csaxton	Updated PLS for Active POU
General	5/8/2006 10:41:28 AM	csaxton	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	5/8/2006 10:41:37 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Source	5/8/2006 10:43:46 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-14592 V1

POU	5/8/2006 10:43:57 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	5/8/2006 10:44:32 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	5/8/2006 10:45:28 AM	csaxton	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	5/8/2006 10:46:58 AM	csaxton	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - TR 4148
POU	5/8/2006 10:50:35 AM	csaxton	Updated shape for Active POU

Water Supply Bank:

Split history for Decreed Right 67-07723

WR History

67-04514	Dale/Rippen
0.4	cfs
20	ac
	af

67-07704	Wiggins
1.4	cfs
60	ac
60	af

67-07723	Wiggins
1	cfs
60	ac
20.1	af

Claim History

67-04514	Wiggins	67-14585	Wiggins
0.4		0.15	
260	Limit 20 ac	100	
80		30.8	

67-07704	Wiggins	67-14586	Newbold
1.4		0.25	
260		160	
60		49.2	

67-07723	Wiggins	67-14587	Wiggins
1		0.54	
260		100	
20.1		23.1	

		67-14588	Newbold
		0.86	
		160	
		36.9	

		67-14591	Wiggins
		0.38	
		100	
		7.7	

		67-14592	Newbold
		0.62	
		160	
		12.4	

CFS =	2.8
Acre =	140

Total CFS =	2.8
Total Ac =	260
Total AFA =	160.1

Sum CFS =	2.8
Sum Acre =	260
Sum AF =	160.1

Un-accounted CFS =	0
Un-accounted Acre =	0
Un-accounted AFA =	0

*Last updated 6-30-05 (csaxton)

For digital copy of Excel spreadsheet file: See Craig L. Saxton

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4148
WATER RIGHT NO(S). 67-04514/67-07704/67-07723

This is to certify that: KERMIT L WIGGINS
PO BOX 86
CAMBRIDGE ID 83610

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 67-04514 :			
IRRIGATION	04/01 to 10/31	0.40 CFS	80.0 AF
Priority: 05/01/1922			
Right No. 67-07704 :			
IRRIGATION STORAGE	01/01 to 12/31		60.0 AF
IRRIGATION FROM ST	04/01 to 10/31		60.0 AF
DIVERSION TO STORA	01/01 to 12/31	1.40 CFS	
Priority: 05/28/1986			
Right No. 67-07723 :			
IRRIGATION STORAGE	01/01 to 12/31		20.1 AF
IRRIGATION FROM ST	04/01 to 10/31		20.1 AF
DIVERSION TO STORA	01/01 to 12/31	1.00 CFS	
Priority: 10/01/1987			
TOTAL:		2.80 CFS	160.1 AF

SOURCE

RUSH CREEK

TRIBUTARY OF

WEISER RIVER

LOCATION OF POINT(S) OF DIVERSION:
LOCATION OF POINT(S) OF EXCHANGE :

SWNE , Sec. 3, Township 15N, Range 03W
NWSE , Sec. 10, Township 15N, Range 03W
WASHINGTON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
15N	03W	3	NWSE 40	SWSE 40	SESE 40	120
		10	NENE 40	NESW 28	NWSE 32	
			SWSE 40			140

Total number of acres irrigated: 260

[Handwritten signature]

AUG 10 1994

TRANSFER NO. 4148
WATER RIGHT NO(S). 67-04514/67-07704/67-07723

CONDITIONS/REMARKS:

1. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
2. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
3. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. The storage of water under Right Nos. 67-07704 & 67-07723 is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code authorizing storage.
6. Right No. 67-04514 when combined with all other natural flow rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre for the lands above.
7. Approval of Transfer No. 4148 in no way confirms the claim to a water right, Right No. 67-04514. Validity of the claim will be ascertained in the Snake River Basin Adjudication.
8. All water rights identified in this transfer will be regulated by the Watermaster, or deputy of the watermaster, of State Water District 67, Weiser River and tributaries.
9. The holder of the water rights identified in this transfer shall provide lockable controlling works and a totalizing measuring devices at the point of diversion from Rush Creek and at the point of exchange from the reservoirs. These measuring devices shall be of such a size and design to accurately measure flows through the system. In addition, the holder of the water rights shall install a lockable valve by which the Watermaster or his deputy can prevent diversion to storage under Right Nos. 67-07704 and 67-07723 during periods of flow control.
10. The holder of the water rights identified in this transfer shall provide a staff gage in both reservoirs that shall be marked in feet and tenths of feet and shall be located within each reservoir so as to accurately show the level of the water at all depths of drawdown.
11. The Watermaster or his deputy shall read the two totalizing measuring devices and the reservoir staff gages at the beginning and end of the periods of flow control and not less than every two weeks during the periods of flow control. A record of these readings shall be kept by the Watermaster or his deputy and at the end of each water year shall be sent to the Department of Water Resources for permanent keeping.

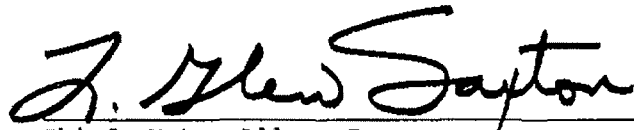
AUG 10 1994

TRANSFER NO. 4148
WATER RIGHT NO(S). 67-04514/67-07704/67-07723

CONDITIONS/REMARKS:

12. The Director maintains jurisdiction of this transfer for up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.
13. Right No. 67-04514 is limited to the irrigation of 20 acres in the place of use described above in a single irrigation season.
14. The point of exchange identified is the location where storage water is released from the reservoirs back into Rush Creek.

Dated this 21st day of June, 1994.


Chief, Water Alloc. Bureau

APR 10 1994

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 67-07723

Priority: October 1, 1987

Maximum Diversion Rate:

1.00 CFS

Maximum Diversion Volume:

20.1 AF

This is to certify, that KERMIT L WIGGINS

PO BOX 86

CAMBRIDGE ID 836100000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 9, 1987; and has submitted Proof of Beneficial Use on December 23, 1988. An examination indicates that the works have a diversion capacity of 3.570 cfs of water from:

RUSH CREEK

tributary to WEISER RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION STORAGE	01/01 to 12/31		20.1 AF
IRRIGATION FROM STORAGE	04/15 to 10/15		20.1 AF
DIVERSION TO STORAGE	01/01 to 12/31	1.00 CFS	
	Totals	1.00 CFS	20.1 AF

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 3, Township 15N, Range 03W
WASHINGTON County

PLACE OF USE: IRRIGATION STORAGE
TWN RGE SEC ACRES

15N 03W 10

NESW 28

ACRES

NWSE 32

ACRES

TOTAL

60

Total number of acres irrigated:

60

PLACE OF USE: IRRIGATION FROM STORAGE, same as IRRIGATION STORAGE use

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

DEC 09 1992

State of Idaho
Department of Water Resources

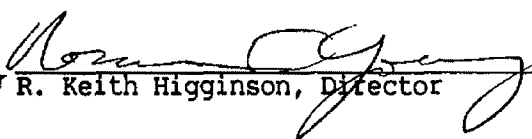
WATER RIGHT LICENSE

WATER RIGHT NO. 67-07723

CONDITIONS/REMARKS:

5. The issuance of this right in no way grants any right-of-way or easement across the land of another.
6. The storage of water is contingent upon continued certification by the Department of Water Resources under the dam safety provisions of the Idaho Code, authorizing storage.
7. Use of water under this water right will be regulated by the watermaster of State Water District No. 67.
8. Permanent measuring devices must be maintained in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

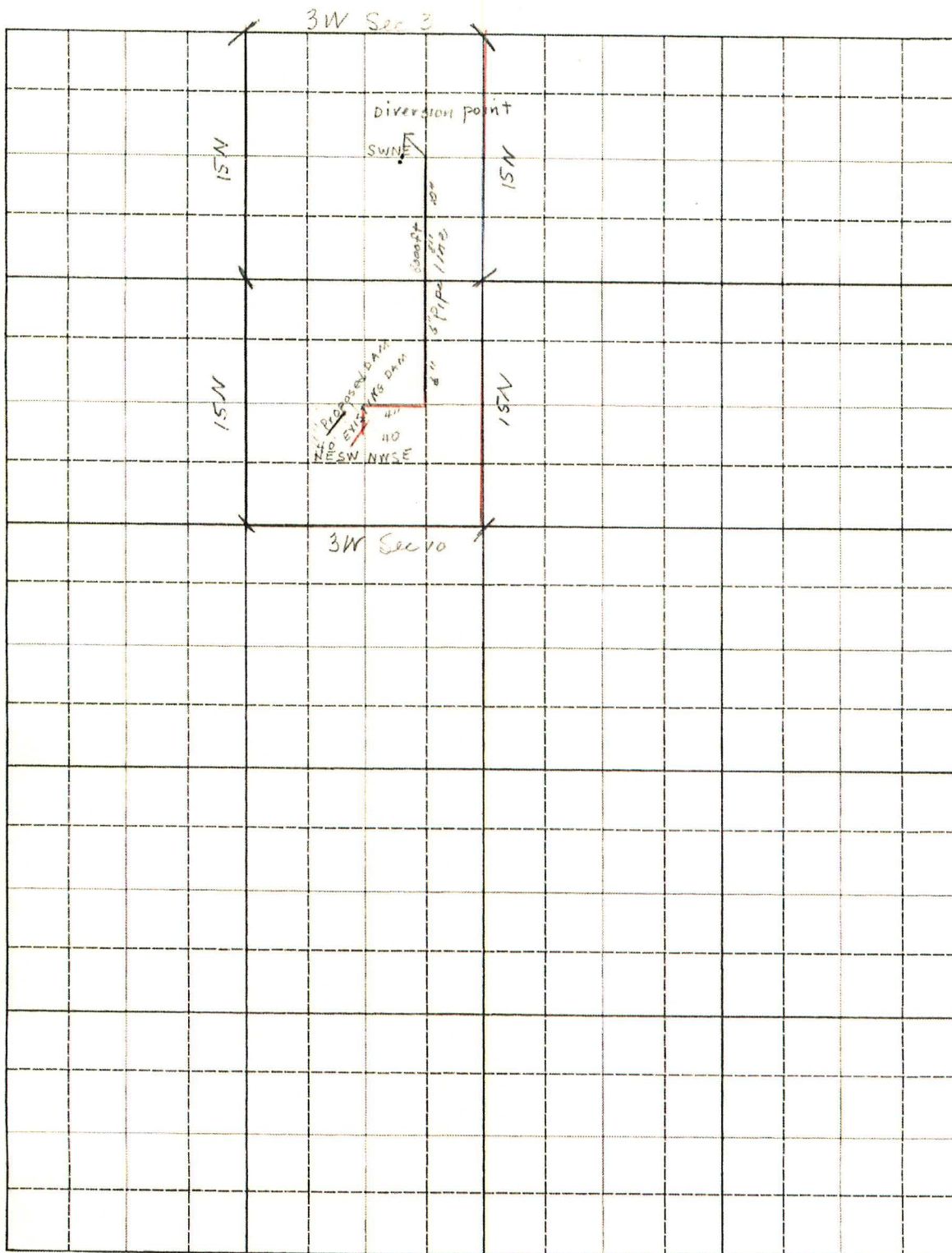
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24th day of NOVEMBER, 1992.

Acting for  Director

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DEC 09 1992

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

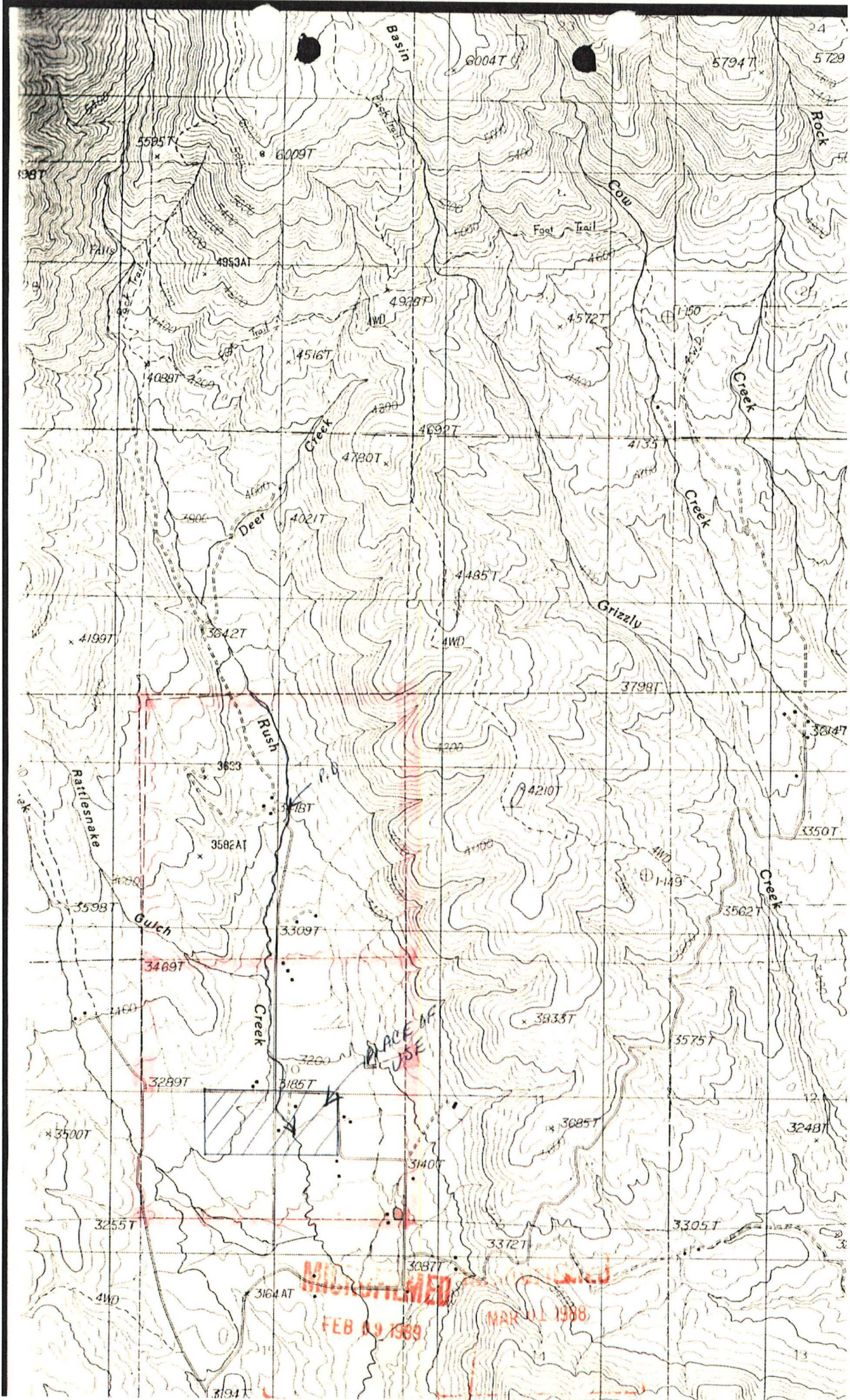
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MAR 01 1988

Mrs. Ernest L. Weygand for
(Applicant)

(Applicant's)

Kermat



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 67-14592
Date Received: 6/24/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BRETT NEWBOLD Phone: (208)257-3866

3488 WARD RD
CAMBRIDGE ID USA 83610

2. Date of Priority: 10/01/1987

3. Source: RUSH CREEK Trib. to: WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
15N	03W	3	SW SW NE	WASHINGTON	

5. Description of diverting works:

DAM, HEADGATE, PIPELINE, GRAVITY FEED TO RESEV & SPRINKLERS

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
IRRIGATION STORAGE	01/01 12/31		12.4
IRRIGATION FROM STORAGE	04/01 10/31		12.4
DIVERSION TO STORAGE	01/01 12/31	0.62	

7. Total Quantity Appropriated is:
0.62 C.F.S. and/or 12.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
15N	03W	3	NW	SE	IRRIGATION FROM STORAGE	40	
			SW	SE	IRRIGATION FROM STORAGE	40	
			SE	SE	IRRIGATION FROM STORAGE	40	
			Section Acres				120
15N	03W	10	NE	NE	IRRIGATION FROM STORAGE	40	
			Section Acres				40
			Total Acres				160

11. Place of use in counties: WASHINGTON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The right holder shall install/maintain permanent measuring devices in such a manner that the amount of water entering the reservoir and the amount of water released from the reservoir can be measured.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Use of water under this right is subject to control by the watermaster of State Water District No. &DISTRICT.

THIS IS FOR THE UPPER RESEVOIR.

CLAIM AMENDED PER TRANSFER NO 4148 APPROVED 6/21/94.

SEE ALSO ADDITIONAL CONDITIONS OF APPROVAL AS LISTED ON THE COPY OF APPROVED TRANSFER 4148 IN FILE.

THE STORAGE OF WATER UNDER RIGHT NOS 67-07704 & 67-07723 IS CONTINGENT UPON CONTINUED CERTIFICATION BY THE DEPARTMENT OF WATE RESOURCES UNDER THE DAM SAFETY PROVISIONS OF THE IDAHO CODE AUTHORIZING STORAGE.

ALL WATER RIGHTS IDENTIFIED IN THIS TRANSFER WILL BE REGULATED BY THE WATERMASTER, OR DEPUTY OF THE WATERMASTER, OF STATE WATER DISTRICT 67, WEISER RIVER AND TRIBUTARIES.

THE HOLDER OF THE WATER RIGHTS IDENTIFIED IN THIS TRANSFER SHALL PROVIDE LOCKABLE CONTROLLING WORKS AND A TOTALIZING MEASURING DEVICE AT THE POINT OF DIVERSION FROM RUSH CREEK AND AT THE POINT OF EXCHANGE FROM THE RESERVIORS. THESE MEASURING DEVICES SHALL BE OF SUCH SIZE AND DESIGN TO ACCURATELY MEASURE FLOWS THROUGH THE SYSTEM. IN ADDITION, THE HOLDER OF THE WATER RIGHTS SHALL INSTALL A LOCKABLE VALVE BY WHICH THE WATERMASTER OR HIS DEPUTY CAN PREVENT DIVERSION TO STORAGE UNDER RIGHTS 67-07704 AND 67-07723 DURING PERIODS OF FLOW CONTROL.

THE HOLDER OF THE WATER RIGHTS IDENTIFIED IN THIS TRANSFER SHALL PROVIDE A STAFF GAGE IN BOTH RESERVOIRS THAT SHALL BE MARKED IN FEET AND TENTHS OF FEET AND SHALL BE LOCATED WITH EACH RESERVOIR SO AS TO ACCURATELY SHOW THE LEVEL OF THE WATER AT ALL DEPTHS OF DRAWDOWN.

THE WATERMASTER OR HIS DEPUTY SHALL READ THE TWO TOTALIZING MEASURING DEVICES AND THE RESERVOIR STAFF GAGES AT THE BEGINNING AND END OF THE PERIODS OF FLOW CONTROL AND NOT LESS THAN EVERY TWO WEEKS DURING THE PERIODS OF FLOW CONTROL. A RECORD OF THESE READINGS SHALL BE KEPT BY THE WATERMASTER OR HIS DEPUTY AND AT THE END OF EACH WATER YEAR SHALL BE SENT TO THE DEPARTMENT OF WATER RESOURCES FOR PERMANENT KEEPING.

THE POINT OF EXCHANGE LOCATED IN NWSE, S10, 15N, 3W, IS THE POINT WHERE STORAGE WATER IS RELEASED FROM THE RESERVOIR BACK INTO RUSH CREEK.

The issuance of this right does not grant any right-of-way or easement across the land of another.

The Director maintains jurisdiction of this transfer up to five (5) years for the purpose of determining potential injury to existing rights, both junior and senior, in the vicinity of the transferred point of diversion.

Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

The storage of water under this right is contingent upon the certification of the dam and authorization of storage per the dam safety provisions of the Idaho Code.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

This right is a split from former right 67-7723.

15. Basis of Claim: License